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NSC FOR FLY
WINPAC FOR WALTER

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[1](#)C. THE HAGUE 898

Classified By: Ambassador Eric M. Javits for reasons 1.4 (B) and (D)

This is CWC-60-08.

SUMMARY AND INTRODUCTION

[1](#)1. (SBU) The Thirteenth Conference of the States Parties (CSP 13) failed to reach consensus on its final report and broke some new ground in establishing precedents. Long simmering tensions with Iran -- for some delegations going back many Executive Councils, for others rising during the Review Conference in April -- finally came to a boiling point. On several issues Iran failed to gain any support for its stands, even from its traditional allies. The Mexican Ambassador proposed a show of hands "to gauge the temperature of the room" in lieu of a vote at one point; the Japanese Chairman and many delegations repeatedly urged Iran to join consensus on more than one issue; and towards midnight, with no support for Iran's adamant position against compromise on draft language on destruction, the U.S. proposed that the Chairman issue the report on his own recognizance since there was no consensus within the Conference to adopt it. Although the Legal Advisor clearly stated that the consensus decisions taken during the Conference and mentioned in the report stand on their own, whether or not there is a consensus report, Iran continued to question the validity of decisions taken, failing the Conference adopting its final report.

[1](#)2. (C) Del note: In a later conversation with Ambassador Javits and Delreps, the Director-General stated that the report will reflect the consensus decisions throughout and will note that one delegation (that tried unsuccessfully to reopen an item that had been gaveled by the Chair as a decision taken by consensus) failed to agree to that one paragraph of the final report, thus breaking the

consensus on the adoption of the report. End note.

¶3. (SBU) The Executive Council (EC) finally approved the draft 2009 Budget and Program of Work on December 4 at a resumption of its special session of November 27 and after many months of negotiations. The Conference then approved the budget by consensus on its last day, December 5; however, the Director-General, Iran, the U.S., France (on behalf of the European Union) and others all made statements clarifying their interpretations of the ambiguous compromise language on Article VI inspections in the budget decision. In the final discussion of the Conference report, Iran refused to allow the U.S. to add a citation for the national statements on the budget. The Director-General helpfully volunteered to attach a compendium of all national papers submitted to the Conference as an appendix to the final report, with reference to their respective relevant agenda items, which most delegations agreed would be a useful addition to the Conference record.

¶4. (SBU) The Conference was also noteworthy for the political tone of some of the national statements in the General Debate, including Iran, Lebanon (after depositing its instrument of ratification in late November), and some other Arab states lambasting Israel. Israel (as an observer) in return made a strong statement in defense of its decision not to ratify the Convention, the first time anyone could remember Israel making a national statement in an OPCW meeting. Cuba made an intervention during

discussion of Article XI against the "nearly 60-year embargo" it has suffered, without mentioning the U.S. China quietly blocked Taiwan's request for observer status for its Chemical Industry Association in the General Committee.

¶5. (SBU) The Japanese Chairman conducted the business of the Conference efficiently and courteously throughout. He gaveled through all of the agenda items by consensus, with the exception of adoption of the final report. The new Executive Council members and members of the Confidentiality Commission were all elected without comment, and all reports were noted or approved. The Conference approved a decision urging continuing implementation of Article VII, but nothing more than report language for Article XI after last-minute changes by Iran and India gutted the draft decision that had been discussed in consultations for several weeks. Standard report language on Article X and Universality was approved without debate.

¶6. (U) This cable includes detailed reporting on the Executive Council sessions November 27 and December 4, along with final discussions of the budget; the highlights of the Conference decisions; the role of the Western European and Others Group (WEOG); and an analysis of the outcomes of the Conference and what may lie ahead. Meetings on the margins of the Conference will be reported in septels to follow.

THE EXECUTIVE COUNCIL AND THE BUDGET BATTLE

¶7. (SBU) On November 27, a special meeting of the EC (EC-M-28) convened with one item on the agenda: the draft 2009 budget and program of work. Having failed to reach consensus on the budget during the EC session in October (ref D), and without any progress in the intervening period (ref B), the special EC meeting opened with little hope of quickly coming to agreement on next year's budget. After a status report from budget facilitator Martin Strub

(Switzerland), EC Chairperson Amb. Oksana Tomova (Slovakia) urged EC members to reach agreement quickly, offering to assist in any way possible, including making her embassy available for meetings.

¶8. (U) Following the formal EC meeting, Strub convened an informal meeting of "most interested parties" to address the main point of contention: the number of Article VI industry inspections. The first shift in position came from Indian Ambassador Neelam Sabharwal, who stated that she could accept up to 208 inspections, with three conditions:

- spreading the additional inspections between scheduled chemical facilities and other chemical production facilities (OCPFs);
- capping the number of Article VI inspections for two years;
- tying any future changes in inspection numbers to the outcome of Industry Cluster consultations.

¶9. (U) Aside from support from Chinese Ambassador Zhang Jun, the Indian proposal initially did not gain much traction, with other NAM delegations reiterating their opposition to any increase in OCPFs, and WEOG delegations insisting on at least the additional ten OCPF inspections proposed by the DG. At one point, QOCPF inspections proposed by the DG. At one point, Mexican Ambassador Jorge Lomonaco suggested a compromise between the Indian and the DG's proposals by having eight OCPF inspections and two other inspections for other types of facilities. Following three successive meetings, Strub agreed to meet again on November 28 to continue discussions.

¶10. (SBU) After an unproductive meeting on the morning of November 28, at which the Indian and Chinese ambassadors were noticeably absent, Amb. Tomova and Strub decided to convene a small meeting of ambassadors at the Slovakian Embassy in the afternoon to attempt to push forward. The three-and-a-half hour meeting included ambassadors from China, Cuba, the Czech Republic, Germany, India, Mexico, Netherlands, Russia, the UK and the U.S.; delegates from France, Iran, Japan, South Africa; DG Rogelio Pfirter and Labib Sahab (Head, Budget) for the TS; and Amb. Tomova and Strub.

¶11. (SBU) Strub suggested looking only at the number of inspections before addressing any other outstanding issues, including the conditions India had raised when it floated the possibility of accepting eight additional inspections. Amb. Zhang (China) reiterated his support for the Indian proposal and suggested that five be allocated to OCPFs with the other three up for discussion. After some discussion on how -- if at all -- to spread the additional inspections between scheduled facilities and OCPFs, the Cuban ambassador suggested focusing only on OCPFs and Schedule 3 facilities given that all Schedule 1 and 2 facilities have been inspected multiple times already. Amb. Javits stated he would only accept spreading to Schedule 3 facilities if the TS saw a technical need and if doing so would lead to reaching consensus. He rejected China's proposal for only five OCPF inspections, noting considerable resistance to less than eight OCPF inspections, and suggested keeping the DG's proposed ten additional inspections split between nine OCPF inspections and one Schedule 3 inspection.

¶12. (SBU) As discussions wore on, Strub and others focused on the "magic" number eight. A number of variations of inspections were tabled, but consensus started to emerge around two. Amb. Burkart (Germany) proposed 7 1 (seven OCPF inspections and 1 Schedule 3) and Amb. Sabharwal (India) proposed 6 2 (six OCPF inspections and two Schedule 3). After having

rejected any increase in inspections, Iranian delegate Mohsen Naziri Asl suddenly said his instructions were to accept no more than eight additional inspections with four OCPF inspections and the other four spread between Schedule 2 and 3; he then changed his proposal to five OCPF inspections, two Schedule 3 and one Schedule 2. Strub noted that Amb. Javits' suggestion and the Iranian proposal were the two extremes and not feasible options, and he kept 7 1 and 6 2 on the table as the two options. Strub also agreed to suggestions to meet over the weekend to discuss the draft budget decision and incorporate India's and China's proposals.

¶13. (SBU) On November 30 at the Slovakian Embassy and throughout the day on December 1 at the OPCW, Strub held meetings -- basically drafting sessions -- to discuss the draft budget decision. At the first meeting on Sunday evening (November 30), India presented text proposals developed by a group of "like-minded delegations" -- i.e., China, Iran, South Africa and India -- on needing to resume Industry Cluster consultations and tying future Article VI QCluster consultations and tying future Article VI inspection numbers to those consultations. It became clear that these "like-minded" and many other NAM delegations would only accept their proposed language in the budget decision and not in the EC's report or anywhere else. (Del note: In 2006, the 2007 budget was agreed contingent to holding relevant Industry Cluster consultations on Article VI inspection issues. Language to this effect was included in the EC's report and not the budget decision; however, lack of progress on outstanding Industry Cluster issues accounted for the NAM's reluctance to accept a similar construct this time and their insistence that language be included in the budget decision to give it more authority. End note.)

¶14. (SBU) Despite reaching agreement on some of the text proposals, a few key points still remained open, and in a final effort to resolve them in a small, high-level group format, Amb. Tomova and Strub invited seven delegations (U.S., Germany, UK, South Africa, China, India and Iran), the Vice-Chair for Budget and Administrative Issues Amb. Francisco Aguilar (Costa Rica) and the Director General to the Slovakian Embassy on the evening of December 1. Despite Amb. Tomova's request that ambassadors or heads of delegations from capitals attend, India, South Africa and Iran were all represented by resident delegates. Amb. Zhang's periodic constructive interjections and the virtual silence from the Indian and South African delegates was a marked contrast to the four Iranians present who tried to dominate the discussion, clearly exhibiting a desire to keep as many things open for as long as possible by obstructing most compromises tabled.

¶15. (SBU) Following the late night meeting on December 1, and as the CSP officially began December 1, Strub decided not to hold any further formal or informal budget meetings, opting instead for consulting with some delegations individually in an attempt to put together a compromise that he could bring forward. Strub specifically chose not to have Amb. Tomova reconvene the EC until he felt there was consensus behind the budget. During the lunch break on December 3, Strub held an open meeting and presented his proposal for the budget decision; his proposal left open the question of placement (i.e., whether within the budget decision or in the report) for three paragraphs on the number of Article VI inspections and ongoing Industry Cluster consultations. After an hour, and with delegations only giving initial feedback to his proposal, Strub agreed to meet again later in the afternoon. At the

second meeting, the Iranian delegation insisted on re-inserting a number of points that previously had been rejected by most delegations and tried to re-open portions for which Strub had been able to find compromises. Strub suggested taking another break and to re-convene in the evening in a final effort to reach agreement.

¶16. (SBU) During the last meeting of the evening, Strub once again raised the subject of inspection numbers, which he had put to the side since narrowing down the options to 7 1 and 6 2 on November 28. Amb. Lomonaco (Mexico) noted that there seemed to be a clear division: those delegations preferring 7 1 preferred putting the Industry Cluster-related paragraphs in the report; those delegations preferring 6 2 preferred including the Industry Cluster paragraphs with the rest of the budget decision. He proposed a compromise to take seven OCPF inspections and one Schedule 3 in exchange for including everything in the budget decision. China, South Africa and Algeria all accepted the Mexican compromise; Germany and U.S. Del also spoke in its favor. Obviously cut off from the mood of consensus around the table, Iranian delegate Naziri Asl lashed out saying that neither 6 2 nor 7 1 were acceptable. He went on to insist on changes to the budget decision, without any support from other delegations, before storming out of the room. With consensus minus Iran, Strub ended the meeting and announced that the EC would reconvene the next afternoon to approve the budget.

¶17. (SBU) After the meeting, Amb. Zhang, Amb. Sabharwal and the South African delegate caucused with the remaining Iranian delegate, urging his delegation to join consensus and making it clear that the Iranian delegation had isolated itself.

¶18. (SBU) Throughout the morning of December 4, Strub, Amb. Tomova and Slovakian delegate Michal Komada were locked in a room with the Iranian delegation (numbering up to 12 at times), encouraging them to join the consensus from the previous evening. By noon, Strub emerged with an Iranian agreement to join consensus on the budget contingent on altering two of the three Industry Cluster-related paragraphs in the budget decision. At 2:00, a flurry of activity erupted in the OPCW foyer as ambassadors and delegates arrived for the reconvening of the EC in the afternoon. The DG and a number of ambassadors (including Amb. Javits, Amb. Zhang, Amb. Burkart and Amb. Sabharwal) caucused over the Iranian-proposed alternative text for the budget decision and agreed to some further modifications to make the Iranian proposal acceptable.

¶19. (SBU) Taking the floor, Strub presented the draft decision as had been agreed the previous evening by all delegations except Iran. He then went on to describe his morning consultations with the Iranian delegation and announced that they had agreed to the budget in exchange for some revised text. The TS distributed the revised text, as further modified a few minutes earlier in the OPCW foyer; however, due to an editorial mistake, a key Iranian insertion accidentally was excluded, prompting the Iranian delegation to reject the circulated text amid claims that it had been changed behind their back. Other delegations complained about the Iranian deviations from the agreed text the night before and the private consultations that morning.

¶20. (SBU) The Chinese Ambassador proposed a compromise text that most delegations agreed to; however, the base text behind that proposal was not

clear -- the Iranians insisted that it be on their version of the text, while others had agreed to the revised text as circulated with the Chinese change. Amid the confusion, everyone wanted to pass the budget and agreed to the ambiguous decision language including Iran's changes. Following approval of the budget, Amb. Javits made a statement clarifying the U.S. position on two separate points in the budget decision related to Industry Cluster consultations and Article VI inspection numbers. With a sigh of relief from the Chairperson, and a round of thanks to Martin Strub, the EC forwarded the budget to the Conference and closed.

GENERAL COMMITTEE

¶21. (SBU) The CSP 12 General Committee met the morning before the opening of CSP 13 to discuss accreditation for observers. China, as expected, blocked the request by the Taiwan Chemical Industry Association, so the list of Non-governmental organizations went forward to the Conference without TCIA on it.

¶22. (SBU) Unlike during the Review Conference, where the General Committee's advice went largely unheeded by the Chairman of the Committee of the Whole, the Japanese Chairman held regular, crisp General Committee meetings and made decisions based on the views of his Vice Chairs, including the decision to set a deadline (Friday at 1300 hours) for draft texts Qset a deadline (Friday at 1300 hours) for draft texts of decisions. On the final afternoon, when the Iranian delegate stated that they had circulated draft report language on destruction to interested States Parties, most members of the General Committee objected that they had not yet seen it and admonished Iran to circulate the text to everyone as an item of interest to all States Parties.

WEOG, WEOG PLUS AND THE AUSTRALIA GROUP

¶23. (SBU) In addition to regular morning meetings during the Conference, WEOG Coordinator Ruth Surkau (Germany) diligently kept WEOG delegations apprised of the status of budget negotiations and other developments through mobile telephone text messages.

¶24. (SBU) On December 2 following WEOG, Mike Byers (Australia) held a brief, ad-hoc meeting of WEOG Australia Group (AG) delegations. Byers distributed "defensive" talking points provided by the AG Chair and reported that the AG Chair did not support holding a discussion within the OPCW on the AG. Referring to the proposed Article XI workshop, Byers suggested that it would be good to hold it after the 2009 AG Plenary in September.

¶25. (SBU) On December 4, WEOG Plus (WEOG, non-WEOG EU delegations, Japan and South Korea) met to discuss the budget and other Conference business in an expanded format. In contrast to past WEOG Plus meetings where non-WEOG delegations tended to be silent observers, non-WEOG delegations actively participated in the discussion and shared their views. The timing of the meeting was useful to ensure broad support for the budget and to formulate tactics on dealing with articles VII and XI.

OPENING SESSION AND GENERAL DEBATE

¶26. (U) The Thirteenth Conference of the States Parties commenced on December 2 with easy election of the Chairman, Ambassador Minoru Shibuya of Japan; Vice-Chairpersons; the Credentials Committee; the Chairman of the Committee of the Whole, Ambassador Benchaa Dani of Algeria; followed by prompt adoption of the Agenda, the Organization of Work and Establishment of Subsidiary Bodies, and Attendance by International Organizations, NGOs and Industry. Chairman Shibuya's style of reading each item slowly, giving a short amount of time for possible comment, and swiftly gaveling through to the next item served him, and the Conference, well throughout the four-day session.

¶27. (U) The Director General's statement, nearly a full hour long but shorter than some past speeches, detailed the activities of the year, presenting the achievements of the Organization, and thanking specific contributions made by numerous countries. He emphasized the African program repeatedly in all the pertinent sections of the speech.

¶28. (U) Notably, the DG made strong points on non-proliferation, chemical safety and counter-terrorism, and addressed the need for more inspections of Other Chemical Production Facilities (the central unresolved issue in the budget negotiations). On the last point, he outlined in detail that each Schedule 1 facility has been inspected six times, each Schedule 2 facility 2.5 times, while 55% of Schedule 3 facilities have been inspected, only 13.6% of the OCPFs have been inspected. He described ongoing efforts to improve the inspection selection process. The DG also noted the importance of both consensus QThe DG also noted the importance of both consensus and transparent deliberations after the experience of the Review Conference, and urged the Executive Council not to keep the rest of the Conference waiting on the budget decision.

¶29. (U) The General Debate began Tuesday morning

(December 2) and continued through that afternoon and most of the next day. The group speeches (European Union, Non-Aligned Movement and China, and the African group of States Parties) sounded familiar themes that were echoed by many later national statements:

Meeting the final destruction deadlines in 2012 (NAM noting serious concern at the pace of destruction; Iran -- newly noting the need for timely commencement of CW destruction facilities; China, and others)

Implementation of Article VII (strong statements by the EU, Russia, Japan, but also some of the NAM states in their national speeches such as Sri Lanka)

International cooperation in the exchange of chemicals, with criticism of trade restrictions (NAM, Iran, Pakistan)

Article XI assistance (NAM, the African group statement emphasizing capacity building; Saudi Arabia)

Importance of Article X assistance (most countries mentioned this but very few national statements added the victims' network cited in the NAM and Iranian speeches; many cited the link to terrorism)

Universality and welcoming Lebanon into the CWC (nearly all)

Nonproliferation (EU, China noted its export control regime, despite having signed up to the NAM statement

against trade restrictions; Russia, Japan and others)

Other Chemical Production Facilities Inspections -- any increase in the number of inspections to wait for consultation process and political decisions (NAM, Pakistan, India citing the hierarchy of risk and the fact that over half of current inspections are for OCPF's)

OCPF -- support for the DG's determination of inspection numbers (EU, New Zealand, Canada, Turkey)

Incapacitating agents and Riot Control Agents (Pakistan, Switzerland, Norway)

¶30. (SBU) The Russian address by Grigory Rapota, the Representative of the Russian President to the Volga Federal District, appeared to mark a change from past statements in its emphasis on safety as the priority concern in the destruction of chemical weapons, of its "aim" for 2012 as the deadline, and subordinating a statement of its commitment to the deadline through quoting the EC report on the September visit to Schuchye. (Del note: This shift in emphasis may be due to the change in speaker or speech writer, but we will watch to see if Russia is moving away from previous strong assertions that they will meet the 2012 deadline. End note)

¶31. (U) The Lebanese Ambassador announced that Lebanon had deposited its instrument of ratification in New York in late November and would become a full member of the Convention within 30 days. He praised the TS for its assistance in this regard, and thanked States Parties for welcoming Lebanon's accession. Because Lebanon never considered having a CW program, the Ambassador claimed that Lebanon had essentially always been a member of the OPCW. He spoke strongly against Israel for the "60 years of turmoil" in the region. He called on all states to work together to rid the world of all WMD, especially within the Middle East, and he highlighted the importance of UNSC Resolution 1540 toward this objective. QUNSC Resolution 1540 toward this objective.

¶32. (SBU) Lebanon was only one of several Middle Eastern states, including Iran, Saudi Arabia and Libya, that specifically blasted Israel in their national statements. This was a greater political emphasis than in OPCW meetings in the recent past, although the rhetoric was familiar from other international organizations. Israel spoke as an observer, for the first time that anyone could remember, late in the General Debate, perhaps in response to earlier remarks. The Israeli Foreign Ministry official began by reminding the Conference that Israel was actively involved in the negotiation of the CWC and an early signatory; unfortunately, the security situation in the region and linkage to other treaties did not allow them to accede. The threat against Israel is "far from theoretical" and Israel has taken steps to secure the safety of all residents against possible attacks, she said. Concluding that the vision of a Middle East free of WMD is one Israel subscribes to and "not unattainable," she stated that vision would require concrete, substantive changes in the region starting with mutual recognition and good neighborliness.

¶33. (U) The Secretary announced that the TS will compile and copy all of the national statements in a binder and on the web-site for future reference. The TS requested electronic copies from all states in order to do so.

ROUTINE BUSINESS PASSED -- NO DEBATE

¶34. (U) The Conference completed most of its agenda items quickly, with few interventions and no objections until the final evening's discussion of the report (see below). The first session following the General Debate on Wednesday afternoon saw sparse attendance, with Iran among others absent from its seat in the plenary hall. The Conference noted the progress report for meeting revised deadlines for the destruction of chemical weapons with no debate. It approved the guidelines regarding declaration of import and export data for Schedule 2 and 3 chemicals, also without debate.

¶35. (U) On December 4, the Conference noted routine financial and administrative reports and elected the new member states to the Executive Council, as well as the new members of the Confidentiality Commission -- all without discussion or fanfare.

THE PLENARY PASSES THE BUDGET

¶36. (SBU) After the special Executive Council forwarded the budget, the Conference promptly approved the budget. The DG then took the floor and presented his interpretation of the budget decision as finally agreed. The Iranian delegation followed with a worrying intervention presenting their view that future Article VI inspection numbers needed to be decided within the Industry Cluster before being discussed for future budgets. Refuting the Iranian intervention, Amb. Javits delivered a statement similar to the one he had made during the EC the day before. France -- on behalf of the EU -- followed with a similar statement. South Africa then spoke to Qwith a similar statement. South Africa then spoke to the complementary nature of the budget and Industry Cluster consultations. Germany and Cuba both stressed that future discussion should be on substance and not on interpretations of the budget decision. Argentina, Algeria, Peru and Mexico made similar interventions and reaffirmed the prerogatives of the DG and TS in formulating and proposing future budgets.

¶37. (U) The U.S. and French interventions were later submitted as national papers and distributed to the Conference. During consideration of the report, Iran refused to accept a U.S. request to note the two national papers under the budget agenda item. Despite the U.S. citing a precedent from the previous Conference and the TS reassuring the Conference that there were no technical or legal obstacles to including a reference to national papers in the Conference report, Iran stubbornly refused to move on. As a compromise innovation, the DG decided to attach a compendium of all national papers submitted to the Conference as an appendix to the final report.

ARTICLE VII

¶38. (SBU) Breaking from past years' practice, the Conference agreed to a decision on Article VII without a similar one for Article XI. Part of this might be due to the tenacious perseverance of Article VII facilitator Said Moussi (Algeria), but Iran's last-minute torpedoing of a draft Article XI decision undoubtedly played a part.

¶39. (SBU) As reported previously, Moussi had held multiple consultations since September, and aside from halting meetings for a week during budget negotiations, he continued the constant pace during

the last half of the Conference. On December 3, with budget negotiations wrapping up, Moussi turned to resolving key differences in his draft proposal and tasked the UK and South African delegates to work on a compromise that could gain consensus. Although it did not gather any traction, the Iranian delegation attempted briefly to include references to Article XXII's prohibition of reservations to the Convention, trying to equate national legislation and regulations to formal reservations. Backed by Legal Adviser Onate, Moussi blocked these attempts and suggested that the Iranians address their ideas in a different facilitation.

¶40. (SBU) By December 4, the UK and South African delegates had worked out a compromise on Article VII, that was agreeable to most delegations; but Iran -- although increasingly isolated -- insisted on holding up agreement on the text. And, while the format of Moussi's proposal still had not been decided, he successfully lobbied delegations -- bar Iran -- to agree to submitting a decision to the Conference. By noon on December 5, the Iranian delegation was alone in objecting to the consensus text that emerged from the numerous consultations. On his own initiative, Moussi submitted the draft decision to the TS for circulation by the deadline established by the Conference Chairman. This insured that Iran had to face discussion of the text on the floor of the Conference that finally pressured it into accepting a decision that built on previous years' decisions.

ARTICLE XI

¶41. (SBU) In consultations on Article XI before the CSP, it became clear to most delegations that Iran did not want a Conference decision and that NAM delegations were divided. The U.S. and WEOG had agreed to take the high road, continuing to discuss the proposed Article XI workshop and to participate in the proposed Article XI workshop and to participate positively in the facilitations, letting Iranian obstruction play itself out. The strategy worked.

¶42. (SBU) For the November 25 consultations, facilitator Li Hong (China) circulated a new draft

decision text that included a list of ideas for concrete measures to be explored further. The U.S. proposed that the list be clearly labeled as "potential" or "proposed" measures since no agreement had been reached. Discussion ranged from rejection of some items on the list to whether the list should form the basis of the proposed workshop. The Mexican delegate expressed what many others were concluding, that the list of concrete measures could be "explored further" during the workshop, without excluding other ideas or proposals. The Iranian delegate then came out strongly against the workshop as "premature." Li abruptly stopped the discussion, noting there was no consensus, and suggesting that he would make a full oral report instead of continuing discussion of draft decision language. Several WEOG delegations encouraged him to continue to work on a written report, whether a decision or report language for the CSP. With ongoing budget meetings throughout the week, as well as the EC and the National Authorities meetings, no further consultations were held until the CSP had begun.

¶43. (U) During the CSP, Li Hong consulted delegations bilaterally before holding a short meeting on December 4 to discuss the draft text, at which no agreement was reached. On December 5, the last day of the Conference, India and Iran presented Li with their changes to the text, removing the list of

potential measures entirely and adding strong language on resolving to review restrictions and impediments that hamper the economic development of States Parties toward the full implementation of Article XI. WEOG countries led by France objected to the latter addition and several delegations questioned the deletion of the list of proposed measures. Once again, Li Hong concluded that with no further agreement on the final text, he would report orally on his consultations to the Conference and would share report language with delegations that afternoon.

¶44. (SBU) In the evening session of the Conference December 5, Li Hong made his oral report on the consultations over the past year, including intense discussions of the Cuban proposal for a workshop "in due time" which had received widespread support. The Conference approved his report language by consensus. Cuba then made a statement noting that the discussion had been "complicated" and that the NAM attach great importance to Article XI. The Cuban Ambassador stated that progress to date in implementing Article XI has been "insufficient" and cited the challenge of the blockade on his nation for almost fifty years.

ARTICLE X AND UNIVERSALITY

¶45. (U) On both Article X and Universality, the Conference agreed fairly standard report language reflecting previous mandates given and work that had occurred since the last session. That Article X did not fall prey to last-minute Iranian demands for a "victims network" was somewhat surprising, and inconsistent with Iranian behavior in Article X consultations.

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DESTRUCTION AND THE IRANIAN END GAME

¶46. (U) In keeping with their traditional last-minute tactics, the Iranian delegation was unusually silent on the subject of chemical weapons destruction until the last day of the Conference. Also true to form, Iran ensured that the last and most memorable debate of the session was on the U.S. destruction program.

Having been out of the room when the DG's report on destruction was adopted, the Iranian delegation waited until Friday to propose report language that was clearly unacceptable. When the Iranian delegation mentioned this in General Committee, there was general dissatisfaction with the fact that Iran had failed to share this language with anyone other than Russia and the U.S., despite claiming to have discussed it with "interested States Parties."

¶47. (U) In the hopes of avoiding an unnecessarily protracted debate in the plenary, the U.S. proposed alternative report language. This was, of course, unacceptable to Iran, and the Iranian delegation circulated its language to the CSP late Friday afternoon. Thanks to growing exasperation with Iranian tactics, there was no real support for their last-minute proposal, and several GRULAC delegations - led by Mexico - spoke up to note that there was a procedural problem with report language that in no way reflected the Conference proceedings. (DEL COMMENT: The broad support for the U.S. was entirely procedural-based. Had Iran intervened on the agenda item itself, there would almost certainly have been substantive support for stronger language on destruction obligations and "timely commencement of construction" of the remaining destruction

facilities. END COMMENT.) Several attempts were made to return to the TS-drafted, factual report language. Russia intervened to suggest that, in the absence of agreement, consideration could be deferred to the next regular session of the Conference.

¶48. (U) Despite numerous constructive suggestions, Iran refused to yield, and became more disruptive as the session dragged on into late evening, claiming the Chair had gavelled through acceptance of item 9(c) prematurely since they had "pushed the button" to register objection even before the gavel fell. They repeatedly intervened claiming the Chairman had refused to recognize them and prompting a firm statement from the Director General that the Secretariat's credibility should not be called into question. The Chairman asked if there was any support for opening up item 9(c) as requested by Iran and there was not any support for that proposition - a total isolation Iran for the first time in the OPCW. With the Conference at a clear impasse, Amb. Javits intervened to remind delegations that, in the absence of consensus on the report, the Chair could also issue his own factual account of the proceedings. With strong support from the Director General and Legal Adviser, the Chair agreed to do just that, and said that he would take it upon himself to issue a Chairman's Report. Amb. Javits also referred to the Rules of Procedure to highlight the Chair's authority to close the session. The Finnish Chair of the Credentials Committee intervened shortly before midnight to warn that delegations' credentials were about to expire. After a round of interventions from India, Pakistan, and others making clear statements about the Conference moving ahead without consensus, the Chair declared the session closed. In an unusually abrupt ending, delegations simply left the plenary room, without the traditional round of congratulatory statements on behalf of the regional groups.

COMMENT -- WHAT IT MEANS, WHAT LIES AHEAD

¶49. (C) Following the crash of consensus at the CSP, OPCW delegations have been abuzz sorting out what it all means. Most delegations, particularly the Latin Americans, have thanked the U.S. for standing up to Iran, letting the Iranians know that they cannot hold the entire Conference hostage endlessly in pursuit of

a vague national agenda. Our European colleagues are less effusive, but generally agree that the show-down was inevitable, and that, while the next Executive Council meeting will be tough, the Iranians may eventually learn that they need to replace combative "Mr. No" (Mohsen Naziri Asl) with a diplomat possessing greater negotiating skills. There is general approval among delegations in The Hague for the broader participation witnessed in this Conference by more delegations and the greater transparency of the process.

¶50. (C) This delegation's assessment is that Iran lost big in this Conference. Led by Mexico, many countries were quite ready to vote (or at least display a show of hands) to end Iran's control over the pace of the agenda. The TS, and particularly the Director General, strongly defended their mandate in the budget battle, and offered new and innovative solutions to Iranian obstruction of business -- including publishing all national statements and papers in appendices to the Conference report, and supporting a Chairman's report that will make clear that only one delegation objected to only one paragraph of the text. Iran's total isolation at the

end of the Conference will probably not last long, but the delegation has visibly lost its once traditional allies in the NAM and will have to do some work to regain their trust and support. The Iranians should have learned that they cannot rely on consensus as an automatic veto for each and every issue they choose to obstruct.

¶51. (C) On substance, only three OCPF inspections were cut after months of negotiations and only because of India's and China's strong stance on this issue. When the Iranian delegation attempted to spin the ambiguous decision language on the budget during the plenary to say that all political decisions on OCPF inspections must be made prior to increasing the numbers of inspections, they hit a firestorm of response from a variety of members of the Conference, not to mention the DG's direct refutation of that claim. That fight will likely re-surface in budget negotiations next year, and may render the industry consultations more challenging.

¶52. (C) The budget, EC elections, and all the other business of the Conference passed by consensus. The Conference approved a balanced decision on Article VII reaffirming that more work needs to be done in implementing the Convention, as well as noting the importance of assistance to some States Parties in their efforts. This was more than the WEOG expected out of the consultations, and a credit to the Algerian facilitator for early drafting, persistent negotiation, and obtaining the support of African and other NAM states. The failure to agree on a parallel decision on Article XI is a failure for both Iran and the NAM. The report language on Article XI highlights the workshop Iran objected to -- a far cry from the action plan Iran and others have long advocated for Article XI. And at the end of a long Friday, Iran stood alone in the plenary refusing to join consensus on the final report.
Qon the final report.

¶53. (C) Delreps have heard that the Iranian delegation requested a meeting with the Japanese Chairman to protest his chairman's report. We expect an angry Iranian delegation to come to the next Executive Council with more adept procedural maneuvers and expertise than they showed at this CSP. They will probably seek to prevent decisions being taken by the EC, in their new awareness that the final report has no legal bearing on those decisions. We also expect continued and more virulent Iranian verbal attacks on the United States, most particularly our destruction program and the

facilities that will not complete destruction by 2012 (this has already appeared in the Iranian press). For the latter, we will need to polish our own talking points and procedural adroitness, since many in the Council, as in the CSP, and including some of our allies, have sympathy for the Iranian complaint against missing treaty deadlines, thought perhaps not for the Iranian tactic to attack for something that has not yet occurred.

¶54. (U) Javits sends.
CULBERTSON